

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON STATE ASSOCIATION OF
HEAD START AND EARLY CHILDHOOD
ASSISTANCE AND EDUCATION
PROGRAM, *et al.*,

Plaintiffs,

V.

ROBERT F. KENNEDY, JR., in his official capacity as Secretary of Health and Human Services, *et al.*,

Defendants.

Case No. C25-781-RSM

ORDER RE: PLAINTIFFS' MOTIONS
FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION

This matter comes before the Court on Plaintiffs' Motions for Preliminary Injunction, Dkt. #37, and for Temporary Restraining Order ("TRO"), Dkt. #79.

On May 16, 2025, Plaintiffs filed a Motion for Preliminary Injunction, requesting that this Court enjoin Defendants and their respective agents from enforcing or implementing Defendants’ “DEIA Ban” and from any further actions to implement mass layoffs or office closures in the Office of Head Start (“OHS”), and for the Court to postpone the effective dates of the DEIA Ban and OHS mass layoffs and closures. Dkt. #37.

This “DEJA Ban” consists of:

(1) the Administration for Children and Families' March 14, 2025, Letter to Head Start

grant recipients, informing them that OHS would no longer approve funding for any Diversity, Equity, and Inclusion (“DEI”) activities;

(2) the Department of Health and Human Services' ("HHS") April 16, 2025, amended Grant Policy Statement, adding a certification that grantees would not operate any

1 programs advancing or promoting “DEI, DEIA¹, or discriminatory equity ideology in
 2 violation of Federal anti-discrimination laws.”

3 (3) President Trump’s January 29, 2025, Executive Order “Ending Radical and Wasteful
 4 Government DEI Agencies and Preferencing,” No. 14151, 90 Fed Reg. 8339; and
 5 (4) President Trump’s January 31, 2025, Executive Order “Ending Illegal Discrimination
 6 and Restoring Merit-Based Opportunity,” No. 14173, 90. Fed. Reg. 8633.

7 The OHS mass layoffs and office closures references further implementation of:

8 (1) President Trump’s February 11, 2025, Executive Order “Implementing the
 9 President’s ‘Department of Government Efficiency’ Workforce Optimization
 10 Initiative,” No. 14210, 90 Fed. Reg. 9669;
 11 (2) HHS’ March 27, 2025, Directive, announcing mass layoffs and office closures;
 12 (3) HHS’ April 3, 2025, e-mail to Head Start grant recipients, announcing the
 13 department’s restructuring in force plans and the consolidations of Head Start
 14 Regional Offices.

15 Dkt. #37-1 (Proposed Order).

16 On July 21, 2025, Plaintiffs filed a TRO Motion, requesting that the Court enjoin
 17 Defendants and their respective agents from enforcing or implementing HHS’ July 14, 2025,
 18 “Personal Responsibility and Work Opportunity Act of 1996 (PRWORA); Interpretation of
 19 ‘Federal Public Benefit,’” 90 Fed. Reg. 31232, reinterpreting “Federal Public Benefit” to include
 20 Head Start Programs, thus denying non-qualified immigrants from Head Start services. Dkt. #79.
 21 Plaintiffs also requested that the Court postpone the effective date of this new interpretation. *Id.*

22 On August 5, 2025, the Court held oral argument on the instant Motions. Regarding the

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24 ¹ The Court understands this to mean Diversity, Equity, Inclusion, and Accessibility

1 TRO, the Government's counsel stated that Defendants have already stipulated in another action
2 to not enforcing HHS' new interpretation of "Federal Public Benefit" until September 10, 2025,
3 with regard to Head Start programs in several states, including Washington, California, Illinois,
4 and Wisconsin. Counsel then announced that he was authorized by his clients to include
5 Pennsylvania, thus making all Plaintiffs in this case covered by the stipulation until September
6 10, 2025, and rendering the requested relief moot.

7 This stipulation comes from a pending preliminary injunction motion in the District of
8 Rhode Island, where the Government has agreed to stay enforcement and application of HHS'
9 new interpretation until September 10, 2025, in all plaintiff states, with no enforcement or
10 application to any conduct or funds prior to September 11, 2025. D.R.I. Case No. 1:25-cv-00345-
11 MSM-PAS, Dkt. #46.

12 Given Defendants' stipulation, the Court finds the requested relief in Plaintiffs' TRO
13 Motion moot for the duration of a TRO Order. *See Fed. R. Civ. P. 65(b).* By effectively
14 conceding this relief, the Government has only delayed answering critical questions at issue in
15 this case. The Court will thus schedule a Preliminary Injunction Hearing on this matter consistent
16 with the procedures set forth in Rule 65(b).

17 Regarding Plaintiffs' Preliminary Injunction Motion, Dkt. #37, changes in the referenced
18 directives and actions in other cases have come to this Court's attention.

19 First, on July 24, 2025, HHS issued a new Grants Policy Statement that no longer contains
20 the anti-DEIA provision from the April 16 Statement. Instead, the new Statement's "Civil Rights
21 Assurance" clause provides that HHS grant "recipients certify compliance with all federal
22 antidiscrimination laws[,] that this "is a material condition of receiving federal funding
23 streams[,]" and "[r]ecipients are responsible for ensuring subrecipients, contractors, and partners

1 also comply.”²

2 Second, on July 29, 2025, the Office of the Attorney General issued a memorandum to
 3 all federal agencies titled “Guidance for Recipients of Federal Funding Regarding Unlawful
 4 Discrimination,” providing “guidance [that] clarifies the application of federal antidiscrimination
 5 laws to programs or initiatives that may involve discriminatory practices, including those labeled
 6 as Diversity, Equity, and Inclusion (“DEI”) programs.”³

7 Third, on July 1, 2025, the District Court of Rhode Island granted a preliminary injunction
 8 to enjoin the defendants (including HHS, ACF, and their secretaries) from implementing or
 9 enforcing the restructurings in force announced in the HHS March 27 Directive “with respect to
 10 the specific sub-agencies and programs that are the subject of the instant motion.” D.R.I. Case
 11 No. 1:25-cv-00196-MRD-PAS, Dkt. #73 at 56. This included any further execution, any
 12 issuance of further restructuring notices, and the placement of any additional employees on
 13 administrative leave. *Id.* OHS is one of the specific sub-agencies/programs.

14 Due to the above, the Court will request supplemental briefing from the parties prior to
 15 ruling on Plaintiffs’ Motion for Preliminary Injunction.

16 Accordingly, having reviewed the instant Motions, related briefings, and the remainder
 17 of the docket, the Court hereby FINDS and ORDERS:

18 (1) Per Defendants’ stipulation, the requested relief by Plaintiffs in their Motion for
 19 Temporary Restraining Order, Dkt. #79, is MOOT. The Court will thus convert this
 20 Motion to one for a Preliminary Injunction. This Motion shall remain on the docket,
 21 re-noted for consideration on Friday, September 5, 2025.

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23 ² See <https://www.hhs.gov/sites/default/files/hhs-grants-policy-statement-july-2025.pdf>

24 ³ See https://www.justice.gov/ag/media/1409486/dl?inline=&utm_medium=email&utm_source=govdelivery

- 1 a. A Preliminary Injunction Hearing on the above matter is set for 10:00am on
2 Tuesday, September 9, 2025, before the Honorable Ricardo S. Martinez,
3 where the Court will hear further oral argument.
- 4 b. The parties will meet and confer on the status of this case by Friday, August
5 22, 2025. The parties are directed to agree to any stipulated substantive or
6 procedural facts considering this and the parallel Rhode Island case.
- 7 c. Any supplemental briefing from either party must be filed no later than Friday,
8 August 29, 2025, and may not exceed fifteen (15) pages from each side.

9 (2) The parties are also to submit supplemental briefing no later than Friday, August 15,
10 2025, on Plaintiffs' Motion for Preliminary Injunction, not to exceed fifteen (15)
11 pages from each side. This supplemental briefing must address:

- 12 a. The effect of HHS' July 2025 Grant Policy Statement on this matter, as well
13 as any changes to HHS, ACF, or OHS administrative or national policy
14 requirements;
- 15 b. The effect of the Office of the Attorney General's Memorandum on
16 "Guidance for Recipients of Federal Funding Regarding Unlawful
17 Discrimination" on this matter;
- 18 c. The effect of the District of Rhode Island court's preliminary injunction in
19 Case No. 1:25-cv-00196-MRD-PAS on this matter.

20 DATED this 8th day of August, 2025.

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23 RICARDO S. MARTINEZ
24 UNITED STATES DISTRICT JUDGE